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10/501,019	03/03/2005	Guillaume Sebire	879A.0030.U1(US)	3593
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EXAMINER				
BALAOING, ARIEL A				
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2617				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/501,019

**Applicant(s)**

SEBIRE ET AL.

**Examiner**

ARIEL BALAOING

**Art Unit**

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-15 and 18-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-15 and 18-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 03/16/2009 have been fully considered but they are not persuasive.
2. Regarding claim 10, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the serving base station sends in the first message to the mobile station the information which neighbor base stations support GPRS, and not only the availability of a service) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As claimed, a message is sent to the mobile terminal indicating availability of a service mode. Furthermore, as seen on page 5, line 23-33, information about neighboring cells is sent to the mobile station regarding services supported by those neighboring cells and would therefore include if the base station includes GPRS service (also see page 4, line 27-page 5, line 3 describing selection of a neighbor cell based on GPRS level).

Regarding the applicant's arguments that:

*"... if it is indicated that the one of the two or more service modes is available, then a second broadcast control channel through which service information of the one of the two or more service modes is to be broadcast is described."*

*In fact no second broadcast control channel for said purpose is described.*

*The Patent Office has not referred to any passage in the Dalsgaard's publication, where such a matter would be mentioned.*

*The Patent Office to long passages (page 5, line 4, through page 6, line 34; page 12, lines 10-15; MS needs information describing second broadcast control channel (PBCCH) from SI 13 message) as if it would help to prove the Patent Office's assertion. In fact no mention about second broadcast control channel, on which service information is broadcast, can be found. The mobile station selects a new cell on grounds of the information in the first message. In addition, measurements of the signal level of the possible base stations are made, but this concerns the neighbour base stations and not the base station which has sent the first message" (see page 6 of the remarks); the examiner respectfully disagrees.*

As above, information is received at the mobile station with describes neighbor base stations including a desired service. As seen on page 12, line 3-14, description of the PBCCH can be described on the ARFNC field which is sent by the serving carrier (see page 12, line 1-9) or by reading additional information from the new cell using the SI13 message (see page 12, line 10-13). In both case a second channel is described (PBCCH of the new cell).

Regarding claim 12 and 14, the applicant's argument that "Applicant requests that the Patent Office provide a reference with a teaching for the subject matter of each of claims 12 and 14. If the Patent Office is relying on personal knowledge to support the finding of what is known in the art, Applicant requests that the Patent Office provide an

affidavit or declaration setting forth specific factual statements and explanation to support the finding. See 37 CFR 1.104 (d)(2)" (see page 7 of the remarks).

The examiner disagrees that the Patent Office is relying on personal knowledge to support the finding of what is known in the art. The Official notice of claims 12 and 14 state that choosing any bit within the system information 3 to provide service support information 3 message would be a design choice since the location of the spare bit is seen as a rearrangement an element. Support for this reasoning was also provided based on case law wherein the court has held that rearrangement of parts would require only routine skill in the art. See *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

Regarding claim 18, the applicant argues:

*"Dalsgaard discloses a method comprising: in a cell ... a radio resource management system of the radio access network comprising a first and a second message..., which messages are transferred on a first broadcast control channel'.*

*This is not correct. The messages (PSI3 and S 13) mentioned by Dalsgaard are optional. Both of them are not transferred on a first broadcast control channel in the Dalsgaard's method"* (see page 7 of the remarks)

The examiner disagrees, consider that abstract of Dalsgaard wherein an SI message is used to transmit system information of neighboring base stations and further page 3, line 1-6 wherein that system information is transmitted over the BCCH. It is clear that system information is transmitted over the broadcast channel and required for determining neighbor cell information.

Furthermore the applicant argues:

*"... said first message ... using said at least one spare bit for broadcasting of a possibility to use a service by indicating whether said cell supports said service (abstract; page 1, lines 27--30; page 4, lines 15--30, page 8, lines 14---26; determined service of neighbour cells using at least one-bit information of PSI3 or SI3)".*

*This is not correct. The message in question indicates whether the neighbour cells of "said cell" support the service, and not whether "said cell", or the cell where the mobile station has been camped, supports the service. So only the passage "service of neighbour cells" is true in the citation above"*

As with above, bits of the transmitted system information indicate service availability and possibility of use as indicated in the limitation above.

Furthermore, the applicant argues:

*"... in a favorable case in which the global system for mobile communications radio access network controlled cell is determined to support the service, describing a second broadcast control channel in the second message to at least mobile stations (page 5, lines 4---33; page 6, lines 1--34; page 12, lines 10--15; MS needs information describing second broadcast control channel (PB CCH) from S 113 message)).*

*First: It is unclear which cell is determined to support the service. As described above, in Dalsgaard's system the information in the first message concerns a plurality of neighbour cells.*

*Second: No second message and no second broadcast control channel occur in Dalsgaard's system and are mentioned in the publication. The Patent Office's assertion*

*"MS needs information describing second broadcast control channel" is without basis in Dalsgaard."*

Although Dalsgaard disclose description of a plurality of neighbor cells, each neighbor cell is described including PBCH information individual neighbor cell and therefore Dalsgaard discloses description of one or more neighbor cells and services provided. It is also noted that page 9, line 25-28 further states that system information message can include information of only neighbor cells that support a specific service.

Furthermore, as with claim 10, information is received at the mobile station with describes neighbor base stations including a desired service. As seen on page 12, line 3-14, description of the PBCH can be described on the ARFCN field which is sent by the serving carrier (see page 12, line 1-9) or by reading additional information from the new cell using the SI13 message (see page 12, line 10-13). In both case a second channel is described (PBCH of the new cell).

Furthermore, the applicant argues:

*"... and broadcasting the service information for mobile stations on the second broadcast control channel (page 9, lines 6---24; page 12, lines 3--24; mobile station tunes to selected control channel to obtain service)".*

*Also here it is referred to long passages as if it would help to prove the Patent Office's assertion. In fact no mention about second broadcast control channel, on which service information is broadcast, can be found. The mobile station selects a new cell on grounds of the information in the first message. In addition, measurements of the signal*

*level of the possible base stations are made, but this concerns the neighbour base stations and not the base station which has sent the first message"*

As above, information is received at the mobile station with describes neighbor base stations including a desired service. As seen on page 12, line 3-14, description of the PBCCH can be described on the ARFNC field which is sent by the serving carrier (see page 12, line 1-9) or by reading additional information from the new cell using the SI13 message broadcast on a second PBCCH (see page 12, line 10-13). In both case a second channel is described (PBCCH of the new cell).

Regarding claim 24, the applicant argues:

*"Raith discloses a change in the F-BCCH is indicated by a change flag in the PCH and a change in the E-BCCH is indicated by a change flag in the F-BCCH. Raith also discloses "Information defining the system configuration and the rules for system access by the mobile stations is transmitted in the F-BCCH" once every superframe. Raith does not disclose or suggest "lu indicator field indicating, whether normal broadcast control channel or extended broadcast control channel is used to transfer the second message," where the first message comprises the lu indicator field"*

3. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). An indicator field (i.e. change flag) is indicated by RAITH while lu messaging is disclosed in MILDH.



***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 10, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by DALSGAARD et al (WO 00/16581).

Regarding claim 10, DALSGAARD discloses an apparatus (abstract; apparatus such as GPRS base stations) comprising: a controller having two or modes (GPRS service or lower level service), where the controller wirelessly communicates to at least one wireless terminal [**mobile station**] an availability of at least one of the two or more service modes through the use of a system information 3 message [**SI3 or PSI3**] of a global system for mobile communications system [**GSM system**] transferred on a first broadcast control channel [**PBCCH or BCCH**], wherein an availability of one of the two or more service modes is indicated through a single spare bit in the first message (abstract; page 1, line 27-30; page 4, lines 15-30, page 8, line 14-26; determined service of neighbor cells using at least one-bit information of PSI 3 or SI3), and, if it is indicated that one of the two or more service modes is available, then a second broadcast control channel through which service information of the one of the two or more service modes is to be broadcast is described (page 5, line 4-33; page 6, line 1-34; page 12, line 10-15; MS needs information describing second broadcast control channel (PBCCH) from SI13 message).

Regarding claim 11, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. DALSGAARD further discloses wherein the first

broadcast control channel is a broadcast control channel of the global system for mobile communications system (page 1, line 27-30; page 4, lines 15-30; BCCH or PBCCH).

***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 12, 14 rejected under 35 U.S.C. 103(a) as being unpatentable over DALSGAARD et al (WO 00/16581).

Regarding claim 12, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. DALSGAARD further discloses wherein the single spare bit is a spare bit in the system information 3 (page 4, lines 15-30; page 8, lines 14-27; DALSGAARD discloses that support information can be determined using a single bit within a system information 3). DALSGAARD discloses the claimed invention except for wherein the spare bit is in the rest octets. It would have been obvious to a person of ordinary skill in the art to provide the single spare bit in the system information 3 rest octets since the Examiner takes Office Notice that choosing any bit within the system information 3 to provide service support information would have been a design choice, since DALSGAARD states that the system information 3 message is used to determine service capabilities by a mobile terminal, and therefore the choice of location for a spare bit would have no effect on determining support information. Furthermore, it has been held that rearrangement of parts (in this case location of a spare bit) would require only routine skill in the art. See *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

Regarding claim 14, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, DALSGAARD does not expressly disclose wherein the single spare bit represents the only previously undedicated bit in the system information 3 message. It would have been obvious to a person of ordinary skill in the art to provide the single spare bit in the only previously undedicated bit since the Examiner takes Office Notice that choosing any bit within the system information 3 to provide service support information would have been a design choice, since DALSGAARD states that the system information 3 message is used to determine service capabilities by a mobile terminal, and therefore the choice of location for a spare bit would have no effect on determining support information. Furthermore, it has been held that rearrangement of parts (in this case location of a spare bit) would require only routine skill in the art. See *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

4. Claims 9, 13, 15, 18, 19, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over DALSGAARD et al (WO 00/16581) in view of MILDH et al (US 2002/0193139 A1).

Regarding claim 9, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. DALSGAARD further discloses wherein the single spare bit is a spare bit in the system information 3 (page 4, lines 15-30; page 8, lines 14-27; DALSGAARD discloses that support information can be determined using a single bit within a system information 3). However, the combination of DALSGAARD and MILDH discloses the claimed invention except for wherein the spare bit is in the rest octets. It would have been obvious to a person of ordinary skill in the art to provide

the single spare bit in the system information 3 rest octets since the Examiner takes Office Notice that choosing any bit within the system information 3 to provide service support information would have been a design choice, since DALSGAARD states that the system information 3 message is used to determine service capabilities by a mobile terminal, and therefore the choice of location for a spare bit would have no effect on determining support information. Furthermore, it has been held that rearrangement of parts (in this case location of a spare bit) would require only routine skill in the art. See *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

Regarding claim 13, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. However, DALSGAARD does not expressly disclose wherein the single spare bit is an lu support indicator. In the same field of endeavor, MILDH discloses wherein a spare bit is an lu support indicator (Figure 2; paragraph 16, 21; Figure 2 shows an example of System information bits, also supported on page 7 of the provisional application). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify DALSGAARD to include the teachings of MILDH, since MILDH states that such a modification would allow a determination of support services within a mixed network.

Regarding claim 15, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. DALSGAARD further discloses wherein the apparatus comprises a base station controller in a global system for mobile communications radio access network (page 3, lines 3-7; further including GPRS packet services). However, DALSGAARD does not expressly disclose wherein the global

system for mobile communications is a global system for mobile communications/enhanced data rates for global evolution (i.e. GSM/EDGE and GERAN cell). In the same field of endeavor, MILDH discloses wherein a global system for mobile communications is a global system for mobile communications/enhanced data rates for global evolution (paragraph 6, 11, 14; also see page 2 section 1.4 of the provisional application). Therefore it would have been obvious to a person of ordinary skill in the art at the time the inventions was made to modify DALSGAARD to include the teachings of MILDH, since the use of GSM/EDGE protocol would enable DALSGAARD to incorporate more advance packet services within the GSM network disclosed.

Regarding claim 18, DALSGAARD discloses a method comprising: in a cell under control of a global system for mobile communications (GSM) radio access network, a radio resource management system of the radio access network comprising a first and a second message [**system information messages**], which messages are transferred on a first broadcast control channel [**BCCH PBCCH**], and which first message has at least one spare bit, wherein the first message is system information 3 of global system for mobile communications system, using said at least on spare bit for broadcasting of a possibility to use a service by indicating whether said cell supports said service (abstract; page 1, line 27-30; page 4, lines 15-30, page 8, line 14-26; determined service of neighbor cells using at least one-bit information of PSI 3 or SI3), and in a favorable case in which the global system for mobile communications radio access network controlled cell is determined to support the service, describing a second

broadcast control channel in the second message to at least mobile stations (page 5, line 4-33; page 6, line 1-34; page 12, line 10-15; MS needs information describing second broadcast control channel (PBCCH) from SI13 message)), and broadcasting the service information for mobile stations on the second broadcast control channel (page 9, line 6-24; page 12, line 3-24; mobile stations tunes to selected control channel to obtain service). However, DALSGAARD does not expressly disclose. However, DALSGAARD does not expressly disclose wherein the global system for mobile communications is a global system for mobile communications/enhanced data rates for global evolution (i.e. GSM/EDGE and GERAN cell) using Iu; and wherein the indicated service is universal mobile telecommunications service. In the same field of endeavor, MILDH discloses wherein a global system for mobile communications is a global system for mobile communications/enhanced data rates for global evolution (i.e. GSM/EDGE and GERAN cell) using Iu mobile stations (Figure 2; paragraph 6, 11, 14, 16, 21; Figure 2 shows an example of System information bits, also supported on page 7 of the provisional application); and wherein the indicated service is universal mobile telecommunications service (paragraph 3, 6, 11, and 14). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify DALSGAARD to include the teachings of MILDH, since MILDH states that such a modification would allow a determination of support services within a mixed network.

Regarding claim 19, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. DALSGAARD further discloses said first channel being BCCH of the GSM system and said second channel being PBCCH of the GSM

system (page 8, line 14-26; col. 12, line 3-13; system information message describes PBCCH of favorable system).

Regarding claim 25, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of DALSGAARD and MILDH further discloses said cell being barred against UMTS operation through lu interface by indicating with information that UMTS service is not supported in said cell (MILDH – Figure 2; paragraph 11, 15-19).

5. Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over DALSGAARD et al (WO 00/16581) in view of MILDH et al (US 2002/0193139 A1) and further in view of ETSI 3GPP 04.18 v 9.0.

Regarding claim 20, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of DALSGAARD and MILDH further discloses the radio access network supporting the UMTS-service and not supporting a GPRS service, wherein said first message further comprises an lu indicator field (MILDH - paragraph 6, 15-18; Figure 2). However, the combination of DALSGAARD and MILDH does not expressly disclose wherein said second message is System Information 13alt of the GSM system and is legible only to lu mobile stations. ETSI 3GPP 04.18 v 9.0 discloses wherein a second message is System Information 13 of the GSM system and is legible only to lu mobile stations (page 148, section 9.143a; page 244-245, section 10.5.2.26a). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of DALSGAARD and MILDH to include the use of System Information 13, as taught by

ETSI 3GPP 04.18 v9.0, since System Information 13 is a well known and conventional protocol used in GSM system to provide information related to GPRS within a cell (see page 148).

Regarding claim 21, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of DALSGAARD and MILDH further discloses the second channel being available also to the GPRS service (MILDH – Figure 2 paragraph 6, 15-18). However the combination of DALSGAARD and MILDH does not disclose wherein said second message is System Information 13 of the GSM system. ETSI 3GPP 04.18 v 9.0 discloses wherein a second message is System Information 13 of the GSM system (page 148, section 9.143a; page 244-245, section 10.5.2.26a). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of DALSGAARD and MILDH to include the use of System Information 13, as taught by ETSI 3GPP 04.18 v9.0, since System Information 13 is a well known and conventional protocol used in GSM system to provide information related to GPRS within a cell (see page 148).

Regarding claim 22, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of DALSGAARD and MILDH further discloses the second channel being available also to the GPRS service (paragraph 6, 15-18). However the combination of DALSGAARD and MILDH does not disclose wherein said message System Information 13 is legible only to lu mobile stations and Gb mobile stations. ETSI 3GPP 04.18 v 9.0 discloses wherein said message System Information 13 is legible only to lu mobile stations and Gb mobile



stations (page 148, section 9.143a; page 244-245, section 10.5.2.26a). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of DALSGAARD and MILDH to include the use of System Information 13, as taught by ETSI 3GPP 04.18 v9.0, since System Information 13 is a well known and conventional protocol used in GSM system to provide information related to GPRS within a cell (see page 148).

Regarding claim 23, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of DALSGAARD and MILDH further discloses the second channel being not available to the GPRS service (paragraph 6, 15-18). However the combination of DALSGAARD and MILDH does not disclose wherein a description of the second channel in the message System Information 13 is legible only to lu mobile stations. ETSI 3GPP 04.18 v 9.0 discloses wherein a description of the second channel in the message System Information 13 is legible only to lu mobile stations (page 148, section 9.143a; page 244-245, section 10.5.2.26a). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of DALSGAARD and MILDH to include the use of System Information 13, as taught by ETSI 3GPP 04.18 v9.0, since System Information 13 is a well known and conventional protocol used in GSM system to provide information related to GPRS within a cell (see page 148).

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over DALSGAARD et al (WO 00/16581) in view of MILDH et al (US 2002/0193139 A1) and

ETSI 3GPP 04.18 v 9.0 as applied to claim 3 above, and further in view of RAITH (US 5,930,706).

Regarding claim 24, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of DALSGAARD, MILDH, and ETSI 3GPP 04.18 v 9.0 further discloses said lu to transfer the second message (MILDGH - paragraph 6, 11, 15-18). However, the combination of DALSGAARD, MILDH, and ETSI 3GPP 04.18 v 9.0 does not expressly disclose an indicator field indicating whether normal BCCH or extended BCCH is used to transfer a message. RAITH discloses an indicator field indicating whether normal BCCH or extended BCCH is used to transfer a message (paragraph 21, line 22-57). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of DALSGAARD, MILDH, and ETSI 3GPP 04.18 v 9.0 to include an indicator field indicating whether normal BCCH or extended BCCH is used to transfer a message as taught by RAITH, since RAITH teaches that such a modification would allow a system to transmit information at various rates depending on importance.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARIEL BALAOING whose telephone number is (571)272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, V. Paul Harper can be reached on (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/

/Ariel Balaoing/

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Supervisory Patent Examiner, Art Unit 2617

Examiner, Art Unit 2617

/A. B./

Examiner, Art Unit 2617